

**AGENDA FOR THE  
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**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JANUARY 8, 2002 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**  
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**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

ITEM-1:                      ROLL CALL.

ITEM-10:                    INVOCATION.

ITEM-20:                   PLEDGE OF ALLEGIANCE.

**SPECIAL ORDERS OF BUSINESS**

ITEM-30:    Approval of Council Minutes.

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meetings of:

11-05-2001  
11-06-2001  
11-12-2001 Adjourned  
11-13-2001  
11-13-2001 Workshop  
11-19-2001  
11-20-2001  
11-20-2001 Special Joint Meeting  
11-26-2001

11-27-2001  
12-03-2001  
12-04-2001

ITEM-31: Rhonda Henton Day.

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-823)

Commending Rhonda Henton for her courageous and selfless volunteer efforts following the attacks of September 11, 2001;

Proclaiming January 28, 2002 to be "Rhonda Henton Day" in the City of San Diego.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, 53, and 54.

**RESOLUTIONS TO BE ADOPTED:**

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 124.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

- \* ITEM-50: Proposed Changes to the Permanent Rules of Council (San Diego Municipal Code Section 22.0101) re Scheduling Evening Meetings and Adding Tuesday Consent Items.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced as amended on 12/10/2001. (Council voted 9-0):

(O-2002-70 Rev. 12/10/2001)

Amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101, relating to the Permanent Rules of the Council, to schedule evening meetings at least four times a year instead of once quarterly and to add consent items on Tuesday.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

- \* ITEM-51: Modification of the Retirement Program for Former Legislative Officers.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/10/2001 (Council voted 9-0):

(O-2002-62)

Amending Chapter 2, Article 4, Division 1, by amending Section 24.0103; and by amending Chapter 2, Article 4, Division 12, by amending Section 24.1201; and by amending Chapter 2, Article 4, Division 17, Section 24.1706, all relating to Elected Officers Retirement Plan.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

\* ITEM-52: Fenton-Carroll Canyon Technology Center Rezoning.

(RZ-98-1199. Mira Mesa Community Plan Area. District-5.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/11/2001. (Council voted 7-2. Councilmembers Peters and Frye voted nay.):

(O-2002-67)

Rezoning a 130.9-acre site located east of I-805, south of Mira Mesa Boulevard, and north of Miramar Road, in the Mira Mesa Community Plan area, from the AR-1-1 (Agricultural) zone (previously referred to as A-1-5) to the IL-2-1 (Industrial) and OR-2-1 (Open Space) zones (previously referred to as M-1B and OS-OSP, respectively.)

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

\* ITEM-53: Santa Monica at Black Mountain Ranch Rezoning.

(RZ-40-0969. Black Mountain Ranch Subarea I Community Plan Area. District-1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/11/2001. (Council voted 8-1. Councilmember Frye voted nay.):

(O-2002-30)

Rezoning 84.7 acres located in the southwestern portion of Black Mountain Ranch Subarea I from the AR-1-1 zone to the RS-1-12 zone.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

- \* ITEM-54: Surety Substitution - Convention Center Expansion Lease Revenue Bonds, Series 1998A.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/3/2001 (Council voted 8-1. Councilmember Frye voted nay):

(O-2002-66)

Approving the form of and authorizing the execution and delivery of a Financial Guaranty Agreement relating to the Convention Center Expansion Financing Authority Lease Revenue Bonds, Series 1998A and actions in connection therewith.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-100: Inviting Bids for Pump Station 1 and 2 Fiber Optic Installation.

(See Scott Tulloch's 11/6/2001 memo.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-748)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for Pump Station 1 and 2 Fiber Optic Installation on Work Order No. 195034;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$974,556 from Fund No. 41509, CIP-45-920.0, Wastewater Operations and Management Network (COMNET);

Authorizing the expenditure of an amount not to exceed \$24,255 from Fund No. 30244, CIP-68-011.0, Annual Allocation - Modernize Top 10-15 Traffic Signals (Job Order 681116) to provide funds for traffic signal interconnect improvements between 20<sup>th</sup> Street and B Street and between First Avenue and A Street, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury. (BID-



**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 11/14/2001, NR&C voted 4-0 to approve the project. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

This request is for the authorization to advertise and award a contract to the lowest responsible bidder, for the installation of a Fiber Optic Network between Pump Stations 1 and 2. The Fiber Optic Communication System is the major backbone of the Metropolitan Wastewater Department's (MWWD) Wastewater Operations and Management Network (COMNET). The purpose of COMNET is to integrate the monitoring and control of all the treatment, storage, metering, and pumping facilities in the MWWD sewerage system. When completed, the COMNET System will be able to monitor and control over 25,000 process points throughout the system via a fiber optic communication network. This fiber optic network enables the Operations and Maintenance (O&M) Staff to efficiently monitor and control plant processes. Because of the reliability of fiber optics, the monitoring and control of these plant processes can be performed by O&M from a Central Control and Information Center (COMC), which is located at the Metro Operations Center (MOCII) in Kearny Mesa. Ultimately, more than 200 site locations will be linked and monitored by COMNET. Included in the 200 sites are Pump Stations 1 and 2. Pump Stations 1 and 2 are the City of San Diego's two major wastewater pumping stations. Approximately 180MGD (million gallons per day) of sewage is processed through these two facilities on a daily basis. Furthermore, the implementation of this contract will complete the fiber optic system between the two pump stations. Previous portions of the fiber optic system were installed under past Pipeline/Fiber Optic Construction Projects and Cost Sharing Projects with the Transportation and Drainage Division. In addition, future connections to the Pump Stations 1 and 2 fiber optic system will include the fiber optic network for the MWWD facilities in the South Bay Area. As part of this construction contract, additional fiber capacity will be provided for the Transportation and Drainage Division to facilitate traffic signal interconnect between the City Traffic Control Center and the South Bay communities.

**FISCAL IMPACT:**

The estimated total cost of this action is \$998,811 of which, \$974,556 is to be funded from the COMNET CIP-45-920.0, \$150,000 in FY2002 and \$824,556 in FY2003; and \$24,255 is to be funded in FY2003 from the Annual Allocation - Modernize Top 5-10 Traffic Signals CIP-68-011.0, Job Order 681116.

Mendes/Tulloch/ALR

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-101: Two actions related to Inviting Bids for North Encanto Water Improvements.

(See Frank Belock, Jr.'s 5/24/2001 memo and Frequently Asked Questions About Group Jobs. Encanto Community Area. District-4.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-832)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of North Encanto Water Improvements on Work Order No. 185191;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the use of City Forces on the project in an amount not to exceed \$238,528 from Water Fund 41500, Sub CIP-73-855.5, North Encanto Water Improvements;

Authorizing the expenditure of an amount not to exceed \$1,644,778 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02058C)

Subitem-B: (R-2002-833)

Certifying that Mitigated Negative Declaration LDR-40-0883 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines; and that the declaration reflects the independent judgement of the City of San Diego as Lead Agency; and that the information contained in the report has been reviewed and considered by Council in connection with the approval of construction of North Encanto Water Improvements;

Approving Mitigated Negative Declaration LDR-40-0883;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 5/30/2001, NR&C voted 3-0 to approve. (Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

North Encanto Water Improvements is part of the program established by the City of San Diego mandating the replacement of all cast iron water mains currently in service. This project will also increase the diameter of some undersized mains in the area. The replacement of these existing deteriorated and undersized mains will continue to provide the community with a safe and reliable water infrastructure. This project is within the Encanto community area and involves the replacement and extension of 8,262 linear feet of water main.

The limits of the work affected by the construction operations are shown on the location map. Traffic control plans will be provided by the contractor as shop drawings. Residents will be notified by the contractor ten (10) days prior to start of construction.

**FISCAL IMPACT:**

The total estimated cost of this project is \$1,644,778. Funding is available in Water Fund 41500, Annual Allocation - Water Main Replacement, CIP-73-083.0, for this purpose. This project may be phase-funded.

Loveland/Belock/HR

WWF-01-532.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

- \* ITEM-102: Two actions related to Inviting Bids for the Construction of Sewer Main Replacement Group Job 634B.

(See Frank Belock, Jr.'s 5/24/2001 memo and Frequently Asked Questions About Group Jobs. Point Loma Community Area. (District-2.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-496)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer Main Replacement Group Job 634B on Work Order No. 175121;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible bidder, provided that the City Auditor furnishes one or more certificates certifying that funds necessary for expenditure will be on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,256,489 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02057C)

Subitem-B: (R-2002-831)

Certifying that Negative Declaration LDR-40-0594 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, and that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and the information contained in the report has been reviewed and considered by Council;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board Supervisors for the County of San Diego.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 5/30/2001, NR&C voted 3-0 to approve. (Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer Group 634B is part of the City's ongoing concrete sewer main annual allocation replacement program. Replacement of these deteriorated and undersized mains will continue to provide the community with safe and reliable infrastructure. This project is within the Point Loma community

area and involves the replacement of 9,595 feet of 8-inch, 10-inch, and 12-inch sewer main. Residents will be notified by mail at least one (1) month prior to construction by the City and ten (10) days prior to the construction by the contractor. Traffic plans have been prepared for this project and will be implemented during the construction operation.

**FISCAL IMPACT:**

The total estimated cost of this project is \$1,256,489 of which \$243,990 is for engineering services, \$927,499 is for construction, and \$85,000 is for contingencies. Funding is available in FY2001 and FY2002 in Sewer Fund 41506, CIP-44-001.1, Annual Allocation - Sewer Main Replacement, for this purpose. This project will be phase-funded.

Loveland/Belock/HR

WWF-01-507.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-103: Approving Parcel Map TM-99-1076.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-807 Cor. Copy)

Approving Parcel Map TM-99-1076; authorizing the City Clerk to sign the map on behalf of the City as property owner.

**CITY MANAGER SUPPORTING INFORMATION:**

This parcel map is a six-parcel lot line adjustment map of a 191.536 acre portion of the Liberty Station (Naval Training Center) site. This action is consistent with the previously approved Liberty Station project. The purpose of the map is to divide the land in such a way as to make subsequent mapping more expeditious. The site is located southeasterly of Rosecrans Street and Lytton Street in the Peninsula Community Plan area. This land will be re-subdivided as necessary to support the ultimate design of the NTC redevelopment project. This map requires City Council approval because the land is City owned.

**FISCAL IMPACT:**

None.

Loveland/Haase/GRB

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

\* ITEM-104: Opportunity Acquisition - Sutherland Reservoir Watershed.

(San Diego County/Witch Creek Community Area)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-821)

Authorizing the City Manager to enter into a Memorandum of Understanding concerning the terms of the transfer of 60.66 acres from the State Coastal Conservancy to be included in the Sutherland Dam Watershed area, and to open an escrow for the acceptance of a Quitclaim Deed executed by the State Coastal Conservancy conveying to the City of San Diego a portion of the Southwest Quarter of Section 22, Township 12 South, Range 2 East, San Bernardino Meridian, in the County of San Diego.

**CITY MANAGER SUPPORTING INFORMATION:**

By Resolution Number R-288159, approved December 9, 1996, the City Council authorized the expenditure of \$10,000 for the acquisition of 60.66 acres by Grant Deed from the State Coastal Conservancy for lands to be included within the Sutherland Dam Watershed area.

As a result of the procedure for processing excess land from the U.S. government through the State, to the City of San Diego, it was determined that the California Coastal Conservancy can only issue a Quitclaim Deed to the City and not a Grant Deed. The proposed Memorandum of Understanding addresses the process by which the property will be transferred from the United States of America (U.S. Marshal's Service) to the State of California to the City of San Diego. It further identifies the restrictive uses for the property for reservoir water shed and recreational uses consistent with the San Dieguito River Watershed Enhancement Plan. It further identifies the conservation easement being reserved over the property by the State.

**FISCAL IMPACT:**

Funds in the amount of \$10,000 are available in Water Utility Fund 41500.

Herring/Griffith/BLM

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

\* ITEM-105: General Utility Easement Abandonment.

(Tierrasanta Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-791)

Vacating the general utility easement in Lot 9 of Map 3056, as more particularly described in the legal description marked as Exhibit A and as shown on Drawing No. 19523-B marked as Exhibit B.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to abandon a general utility easement in Lot 9 of Map 3056. This property is located in the Tierrasanta Planning area within Council District 7. This easement is on private property and the only purpose for this public service easement is to allow the City and franchise utilities to construct and maintain facilities within the easement. There are no existing or planned utility and improvements within the easement area. No rights are granted to the public by the easement and the abandonment of this easement will relieve the City of the responsibility to maintain the vacated area. The applicant wants to maintain and landscape the proposed vacated area. This easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

Loveland/Haase/AEA

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-106: Drainage Easement Abandonment.

(Sabre Springs Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-718)

Vacating the drainage easement in Lots 17, 18 and 20 of Map 12911, as more particularly described in the legal description marked as Exhibit "A" and as shown on Drawing No. 19544-B marked as Exhibit "B."

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to abandon a drainage easement in lots 17, 18 and 20 of Map 12911. This property is located in the Sabre Springs Planning area within Council District 5. The applicant has submitted a grading and building permit for the property, and the new design of the building makes this easement unnecessary. This easement is on private property and the only purpose for this public service easement is to allow the City staff to construct and maintain facilities within the easement and no rights are granted to the public by this easement. There are no improvements within the proposed easement area. This easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

Loveland/Haase/AEA

#### ADOPTION AGENDA, CONSENT ITEMS

##### RESOLUTIONS:

\* ITEM-107: Sale of City Property - NEC Scripps Poway Parkway/Freeway 15.

(Scripps Ranch Community Area. District-5.)

#### CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-801)

Authorizing the sale of a portion of real property owned by the City to Shea Homes for the amount of \$240,000;

Authorizing the City Manager to execute a quitclaim deed granting to Shea Homes a portion of Section 20, Township 14 South, Range 2 West, San Bernardino Meridian;

Authorizing and directing the City Clerk to deliver the quitclaim deed and a certified copy of this resolution, attested by him under seal, to the Real Estate Assets Department for further handling.

#### CITY MANAGER SUPPORTING INFORMATION:

The City acquired a surplus parcel through a state relinquishment at the northeast corner of Freeway 15 and Scripps Poway Parkway. The parcel is improved with a paved road which provides access to the Open Space area to the North. Shea Homes is developing the area to the east of the City parcel, and has filled and sloped the subject parcel to support a level pad necessary to build a hotel. The parcel in question is not independently developable, as is, due to its irregular, elongated shape and steep slope. The adjacent Shea Homes development, however, if allowed to incorporate the subject parcel, will raise its value from nominal to \$240,000 by virtue of its contribution to the new development. The City's access road will not be affected by the sale. Shea Homes executed a Right of Entry Permit in May 2000 to allow grading to proceed on the development, and as a term of the Permit, agreed to purchase the portion of City land affected by the grading for \$240,000 cash. This



purchase is part of the Settlement Agreement entered into between the City and Shea Homes dated July 24, 2001.

Shea's purchase of this parcel will offset the City's purchase of another parcel (purchase price \$1,200,000), decreasing the City's cash outlay to \$960,000 for the acquisition of the other parcel. The City and Shea Homes will exchange deeds. The parcel to be purchased by Shea homes contains 0.5944 acre, or 25,892 square feet. The fair market value of the sale parcel is \$240,000, as determined by the City Valuation Staff.

**FISCAL IMPACT:**

This is a companion item to the 1472 regarding the Shea Homes Settlement and Release Agreement, Shea Homes Partners vs. City of San Diego et. al. (GIC 767172), and will result in a \$240,000 offset.

Herring/Griffith/ACG

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-108: Scripps Gateway Park Site Acquisition.

(Scripps Ranch Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-800)

Approving the expenditure of an amount not to exceed \$1,000,000 from the Village and Country Settlement Fund No. 10604 for the acquisition from Shea Homes of property rights and related costs for a 4.467-acre graded site for future public recreational use (Lot 11 of Map 14063), said purchase being a part of the Settlement Agreement entered into by and with the City and Shea Homes dated July 24, 2001;

Authorizing the Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-29-504.0, Scripps Gateway Park, in the amount of \$1,000,000 from the Village and Country Settlement Fund No. 10604;

Approving the appropriation and expenditure of an amount not to exceed \$1,000,000 from the Village and Country Settlement Fund No. 10604 from CIP-29-504.0, Scripps Gateway Park;

Authorizing and directing the City Clerk to deliver all documents and a certified copy of this resolution to the Real Estate Assets Department for further handling.

**CITY MANAGER SUPPORTING INFORMATION:**

On July 24, 2001, the Mayor and City Council authorized a Settlement Agreement between the City and Shea Homes. The Settlement Agreement authorized the City to purchase a 4.467 acre graded site from Shea Homes for future public recreational use. This action will authorize the expenditure of \$1 million dollars to consummate the acquisition. An additional \$40,000 is required to cover title, escrow and any miscellaneous closing costs.

The original selling price established by Shea for this site was \$1,200,000. As a result of Shea purchasing a City owned parcel for \$240,000, as authorized in the Settlement Agreement, the City's actual cash outlay for the 4.467 acre site has been reduced from \$1,200,000 to \$960,000.

**FISCAL IMPACT:**

Funds in the amount of \$1,000,000 are available from the Village and Country Settlement Fund No. 10604.

Herring/Griffith/BLM

Aud. Cert. 2200548.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-109: San Ysidro Fire Station No. 29 Relocation.

(San Ysidro Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-861)

Authorizing the transfer of \$505,000 from CIP-36-063.0, Fund 30244, Central Police Garage Relocation, to CIP-33-103.0, Fire Station No. 29 San Ysidro;

Authorizing the expenditure from CIP-33-103.0 of an amount not to exceed \$1,105,000 for the acquisition of property rights, including labor, appraisal, relocation, title, escrow and miscellaneous costs of acquiring 198 West San Ysidro Boulevard, described as Parcel 1 of Parcel Map 14286, in connection with the San Ysidro Fire Station No. 29 Relocation;

Authorizing the transfer of \$234,575 from CIP-33-098.0, Fund 30244, Fire Station Major Component Replacement and Rehabilitation, to CIP-33-103.0, Fire Station No. 29 San Ysidro for consultant agreement with CCBG Architects, Inc.;

Authorizing the Auditor and Comptroller, upon advice from the administering department to transfer excess budgeted funds, if any, to the appropriate reserve funds.

### **CITY MANAGER SUPPORTING INFORMATION:**

The acquisition of the 63,293 square foot site located at 198 West San Ysidro Boulevard will provide for reconstruction of the existing Fire Station No. 29 located at 179 West San Ysidro Boulevard to the new location. The existing 4,250 square foot facility is 36 years old and is too small to house the necessary equipment for the district, as well as the ten personnel living in quarters designed for eight. The new station will provide the necessary room for improved vehicle response coverage to handle fire and medical emergencies.

The City will be entering into an agreement with CCBG Architect, Inc. to provide professional services for the design and construction of Fire Station No. 29 improvements at the new site.

### **FISCAL IMPACT:**

Of the total of \$1,339,575, \$600,000 is budgeted in CIP-33-103.0 for the purpose of land acquisition for Fire Station No. 29. The remaining funds will be transferred from CIP-36-063.0, Central Police Garage Relocation (\$505,000) and CIP-33-098.0, Fire Station Major Component Replacement and Rehabilitation (\$234,575). Both of these funds will be reimbursed with bond proceeds once permanent financing for the Fire Station Facility Improvement Project is obtained.

Herring/Griffith/RAG

Aud. Cert. 2200622.

### **ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:**

\* ITEM-110: Transfer of Community Development Block Grant Funds.

(Districts-3 and 4.)

### **CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-786)

Authorizing the Auditor and Comptroller to reprogram \$53,822.16 of Community Development Block Grant funds from the San Diego Historical Society (Fund No. 18536) to CIP-29-479.0, Martin Luther King Jr. Senior Center;

Authorizing the City Auditor and Comptroller to transfer \$54,000 of Capital Outlay funds from CIP-29-479.0, Martin Luther King Jr. Senior Center (Fund No. 302453), to the San Diego Historical Society (Fund No. 18536) for completion of the Villa Montezuma project;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program Budget to reduce the CIP-29-479.0, Martin Luther King Jr. Senior Center, by \$177.84.

**CITY MANAGER SUPPORTING INFORMATION:**

In FY2001, \$54,000 in CDBG funds were awarded by Council Districts One (\$10,000), Two (\$15,000), Six (\$4,000) and Eight (\$25,000), to the San Diego Historical Society for the exterior painting of the Villa Montezuma historical site. Upon initiating discussions with the Society it was determined that the project was in progress and that procurement process for the contract did not comply with the Federal regulations governing the Community Development Block Grant (CDBG) Program.

In an effort to continue this worthwhile project in a CDBG eligible community, a transfer of the CDBG funds to the Martin Luther King, Jr. Senior Center project is proposed. The Senior Center project also received CDBG funding in FY2001 and has funding from the Capital Outlay fund.

The Capital Outlay funding can be used to complete the Villa Montezuma Project and since the Senior Center currently has CDBG funding it will not impact the project.

**FISCAL IMPACT:**

Funds are available in the CDBG Program and the Capital Outlay fund.

Loveland/McLatchy/EL

Aud. Cert. 2200608.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-111: South San Diego Pipeline No. 2 - Reach A and B - Supplemental Funding.

(South San Diego Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-788)

Authorizing the transfer of \$200,000 from Water Fund 41500, CIP-73-248.0, Pomerado Pipeline No. 2, to Water Fund 41500, CIP-73-249.0, South San Diego Pipeline No. 2;

Authorizing the appropriation and expenditure of an amount not to exceed \$200,000 in additional funding to supplement the original \$400,000 authorized by Council

Resolution R-294754, adopted on April 16, 2001.

**CITY MANAGER SUPPORTING INFORMATION:**

The San Diego City Council approved expenditures of up to \$400,000 from Water Fund 41500, CIP-73-249.0 for acquisition of property rights for the South San Diego Pipeline No. 2, Reach A and B on April 16, 2001. On July 31, 2001, the San Diego City Council authorized an eminent domain action with an Order of Immediate Possession to acquire property needed for the South San Diego Pipeline No. 2 - Reach A and B.

Staff has negotiated settlements with three of the property owners, and obtained court ordered possession of the other two properties. In the process of negotiating with the remaining two property owners and subsequent to prior Council actions, increased land values, legal fees and project costs have resulted in the request to increase funding for the project. Staff recommends approval of the additional funding to complete property acquisition for the project.

**FISCAL IMPACT:**

\$200,000 in additional funds are available in Water Revenue Fund 41500, CIP-73-248.0, Pomerado Pipeline No. 2, and will be transferred to Water Fund 41500, CIP-73-249.0, South San Diego Pipeline No. 2, by this action.

Herring/Griffith/MFW

Aud. Cert. 2200611.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-112: Carson Elementary School - Funding of General Development Plan for Joint Use Improvements.

(Linda Vista Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-739)

Authorizing the Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvement Program Budget to add CIP-29-514.0, Carson Elementary School - Joint Use Improvements, in the amount of \$35,000;

Authorizing the City Manager to expend \$35,000 for CIP-29-514.0 for a General Development Plan for joint use fields at Carson Elementary School from Fund No. 79503, Linda Vista Development Fees.

### **CITY MANAGER SUPPORTING INFORMATION:**

This project will provide for the turfing of approximately 1.6 acres of existing decomposed granite fields to meet the athletic and recreation needs of Carson Elementary School and the Community of Linda Vista, a community deficient in park land per General Plan Standards. This proposed facility will be developed and maintained through a twenty-five (25) year lease and joint use agreement with the San Diego Unified School District.

The General Development Plan (GDP) for Carson Elementary School joint use area will be prepared with input from the community, and the final GDP will undergo the Park and Recreation Department approval process. Initial funding will be used to enter into a consultant agreement to prepare the GDP.

### **FISCAL IMPACT:**

The estimated total cost for this project is \$421,256. Funds in the amount of \$35,000 are available in Linda Vista Development Impact Fees, Fund No. 79503, for use on CIP-29-514.0, Carson Elementary School - Joint Use Improvement.

### **MAINTENANCE IMPACT:**

Annual maintenance costs are estimated to be \$13,600.

Loveland/McLatchy/DVW

Aud. Cert. 2200621.

### **ADOPTION AGENDA, CONSENT ITEMS**

#### **RESOLUTIONS:**

- \* ITEM-113: Establish Two (2) Hour Unmetered Parking Zone on Columbia Street between Date Street and Fir Street.

(Centre City Community Area. District-2.)

### **CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-737)

Establishing a parking time limit of two hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the west side of Columbia Street, between Date and Fir Street, and on the east side of Columbia Street, between Fir Street and a point of 165 feet south of Fir Street;

Authorizing the installation of the necessary signs and markings; the regulations

imposed shall become effective upon the installation of the signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes two (2) hour parking from 8:00 a.m. to 6:00 p.m., except Sundays and holidays, on the west side of Columbia Street, between Date Street and Fir Street; and on the east side of Columbia Street, between Fir Street and a point 165 feet south of Fir Street.

The following fronting properties have signed a petition for this action:

1. The Reader Publication at 1703 India Street, whose parking lot fronts on Columbia Street.
2. Filippi's Pizza Grotto at 1747 India Street, whose parking lot fronts on Columbia Street.
3. 1830 Columbia Street.
4. 1840 Columbia Street.
5. 1835 Columbia Street.

The fronting properties at 1746, 1760, 1762, 1764, and 1824 are not affected by this action and have not signed the petition.

The Little Italy Association of San Diego is in favor of this action.

**FISCAL IMPACT:**

Funds for the installation of signs are budgeted within the Transportation Department, Street Division's operating fund.

Gonzalez/Holden/PF

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-114: Approval of Banner Placement by the University City Community Association.

(University City Community Area. District-1.)

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-822)

Declaring that in accordance with San Diego Municipal Code Section 142.1210, banners may be installed on the following streets in University City: Governor Drive, Genesee Avenue and Regents Road;

Declaring that the University City Community Association shall maintain the banners and all associated equipment within the right-of-way, and shall secure all necessary

approvals from the City of San Diego prior to the installations of banners.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

- \* ITEM-115: One-Year Extension of the Centre City Project Area Committee (PAC).

(See CCDC Report dated 12/12/2001. Centre City Redevelopment Project Area.  
District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-864)

Authorizing the extension of the Centre City Project Area Committee for one year.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

- \* ITEM-116: Appointment to the Agricultural Board.

(See memorandum from Mayor Murphy dated 12/21/2001 with resume attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-884)

Council confirmation of the appointment by the Mayor of Paul Peterson to serve as a member of the Agricultural Board, for a term ending October 1, 2003, representing the Attorney category, to replace Leo R.B. Henrikson, whose term has expired.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

- \* ITEM-117: Appointments to the Balboa Park Committee.

(See memorandum from Mayor Murphy dated 12/20/2001.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:



(R-2002-882)

Council confirmation of the following appointments by the Mayor to serve as members of the Balboa Park Committee, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>	<u>NOMINATED BY</u>
Dan Mazzella	March 1, 2004	Mayor Murphy
Darlene Gould Davies	March 1, 2004	Mayor Murphy
Michael Stepner	March 1, 2004	Councilmember Atkins
Jeffery Tom	March 1, 2004	Councilmember Atkins
Rear Admiral Eustine Paul Rucci	March 1, 2005	Councilmember Atkins
Warren Simon	March 1, 2005	Uptown Planning Group
Vicki Granowitz	March 1, 2005	Greater North Park Planning Group
Laurie Burgett	March 1, 2005	Golden Hill Planning Group
Joe Silverman	March 1, 2005	Balboa Park/Morley Field Rec Council
Jeffrey Kirsch	March 1, 2005	Balboa Park Association (Large Institutions)
Nancy Rodriguez	March 1, 2005	Balboa Park Association (Small/Mid-sized Inst.)

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-118: Hazardous Materials Emergency Response Agreement.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-758)

Authorizing the City Manager to execute Amendment No. 4 to the Agreement, dated August 29, 2001, with the Unified San Diego County Emergency Services Organization, to continue the San Diego Fire and Life Safety Services participation in the Hazardous Materials Incident Response Team, from July 1, 2001 through June 30, 2003.

**CITY MANAGER SUPPORTING INFORMATION:**

The Hazardous Materials Incident Response Team (HIRT) was established by the Unified San Diego County Emergency Services Organization. San Diego Fire and Life Safety Services participates in this program by providing member agencies with the services of its Hazardous Materials Team in response to incidents involving hazardous materials. An agreement between the City and the Unified San Diego County Emergency Services Organization was signed in June 1993, and amended in

1995, 1997 and 1999. The proposed amendment extends the contract to June 30, 2003 and adjusts the annual payment to the City at \$483,918. These payments are sufficient to cover costs incurred in providing these services.

**FISCAL IMPACT:**

The Unified San Diego County Emergency Services Organization will provide the City of San Diego with annual payments of \$483,918 to be invoiced in quarterly increments.

Ewell/Osby/FCW

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

- \* ITEM-119: Two actions related to Agreement with Little Italy Association for Administration of Maintenance Services for Little Italy Maintenance Assessment District.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-846)

Authorizing the City Manager to execute an agreement with Little Italy Association, for administration of Contracts for Goods and Contracts for Service for the Little Italy Maintenance Agreement for a period of one year in accordance with San Diego Municipal Code Section 65.0212.

Subitem-B: (R-2002-847)

Authorizing the expenditure of an amount not to exceed \$41,100 from Fund 70261 for providing funds for administration services with Little Italy Association beginning January 2, 2002 through December 31, 2002.

**CITY MANAGER SUPPORTING INFORMATION:**

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b) (2), authorizes the City Council to approve a 1-year agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On August 7, 2000, the property owners in the Little Italy Maintenance Assessment District (District) requested their contracts to be administered by the "Little Italy Association" (Association). The Association has managed the contracts satisfactorily since the District was formed, and wishes to continue. The current agreement with the Association is from January 1, 2001 through December 31, 2001.

This action will authorize the City Manager to sign and continue the Agreement between the City and the Association for a period of one year beginning on January 1, 2002 and ending on December 31, 2002.

1. The Association will administer Contracts for Goods and Contracts for Service and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Engineer's Report for the Little Italy Maintenance Assessment District.
2. The Association will perform all duties as set forth in the Agreement under Article I, Section B, referred to as specific requirements. The Association will be reimbursed for these services within fifteen (15) working days from the receipt of properly prepared reimbursement requests.
3. The Association will be compensated for administration in an amount not to exceed 15% of the adopted FY02 budget. The maximum compensation amount is currently \$41,100 (or \$3,425 per month) over the period of the Agreement.

**FISCAL IMPACT:**

Funds are available in the Little Italy Maintenance Assessment District (Fund 70261) to reimburse the Association for maintenance services and to compensate it for administration.

Herring/McLatchy/SY

Aud. Cert. 2200655.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-120 Two actions related to North City Reclamation System, Western Pacific Housing Reclaimed Water Pipelines Participation Agreement.

(Torrey Highlands Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-776)

Authorizing the City Manager to execute a participation agreement with Western Pacific Housing, for the construction of reclaimed water pipelines in Subarea IV of the North City Future Urbanized Area (NCFUA);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,039,697 from Water Fund 41500, CIP-73-248.0, Pomerado Pipeline No. 2 and an

amount not to exceed \$79,139 from Water Fund 41500, CIP-73-236.0, Bayview Reservoir Replacement, to Water Fund 41500, CIP-70-954.0, North City Reclamation System;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,118,836 from CIP-70-954.0, North City Reclamation System, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2002-799)

Declaring that Mitigated Negative Declaration LDR-40-0386, previously certified by Resolution R-294537, adopted on February 12, 2001, has been reviewed and considered by Council, and that it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with the approval of construction of reclaimed water pipelines in Subarea IV of the North City Future Urbanized Area.

### **CITY MANAGER SUPPORTING INFORMATION:**

On July 24, 1989 the Water Reclamation Ordinance was adopted into the San Diego Municipal Code (Chapter 6, Article 4, Division 8). This ordinance requires City staff to prepare and adopt a master plan to define, encourage and develop the use of reclaimed water.

As part of the Water Department's Water Resources planning effort, an Updated Reclaimed Water Master Plan was completed in December 2000. The Master Plan recommended construction of reclaimed water pipelines and facilities to serve the Future Urbanized Area (FUA) including Subarea IV, Torrey Highlands. The Master Plan also recommended that reclaimed water pipelines be installed concurrent with road development, to save money and lessen traffic impacts.

Western Pacific Housing (WPH) is the lead developer in Torrey Highlands for the construction of Camino Ruiz. Road construction has already begun. In October 2001, the City entered into an agreement to design the reclaimed water facilities in Camino Ruiz and Torrey Santa Fe Road, both within Subarea IV. This request is for WPH to provide construction related services to install approximately 8,370 linear feet of 12" reclaimed pipeline in Camino Ruiz between Carmel Valley Road and Torrey Santa Fe Road, and approximately 3,197 linear feet of 24" reclaimed pipeline in Torrey Santa Fe Road between Camino Ruiz and Street "B". This work shall be performed by WPH hired construction contractors who are already working on the job site, and the job should be substantially completed by September 30, 2002.

Performing the construction work in this manner saves the City money. The contract value is 19% less than the planning study estimate due to pipeline construction occurring before the road is paved. This also eliminates traffic impacts if pipelines were installed after the road was completed and opened. This pipeline will serve Subarea III and IV of the FUA, and help the City meet the North City Reclaimed Water Plant EPA construction grant goal.

### **FISCAL IMPACT:**

The total amount of this request is \$1,118,836. Funding will be transferred from CIP-73-248.0, Pomerado Pipeline No. 2, and CIP-73-236.0, Bayview Reservoir Replacement, and will be available in Water Fund 41500, CIP-70-954.0, North City Reclamation System.

Mendes/Gardner/PG

Aud. Cert. 2200619.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-121: Lease Amendment - U.S. Department of Justice (INS) at San Ysidro.

(San Ysidro Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-820)

Authorizing the City Manager to execute the First Amendment to Lease with the Immigration and Naturalization Service (INS). The amendment provides new rent delinquency language which is required in all Federal contracts. The amendment also provides for the allowance of additional equipment to be installed on the leasehold which will allow the INS to better perform their mission along the international border and in the San Ysidro area.

**CITY MANAGER SUPPORTING INFORMATION:**

The Department of Justice's Immigration and Naturalization Service's (INS) lease with the City contains rent delinquency language that is not consistent with the computer generated Prompt Payment System used by the Federal Government for payment of rent. If a payment is delinquent, the Prompt Payment System automatically includes a late fee as determined by the Federal Government. Federal Government contracts must contain this language. The INS also wishes to add additional equipment to better perform their mission along the international border and in the San Ysidro area. All other terms and conditions of the original lease agreement remain unchanged. Council approval of these changes will modify the Delinquent Rent lease section and Exhibit "B"-Equipment List.

Basic terms of the original agreement are as follows:

USE: To construct, maintain, repair, alter and operate radio transmitting and receiving equipment.

TERM: Five (5) years, terminating 7/31/2003.

GROUND RENT: Current rent is \$5,002.27 annually. This will increase to \$9,262.27 (8/1/2001 to 7/31/2002) with annual 6% rent increases. This value is consistent with an outside independent fee appraisal dated August 2000.

**FISCAL IMPACT:**

The City will receive an additional \$4,260 per year for a total annual rent of \$9,262.27 (8/1/2001 to 7/31/2002) to be deposited in General Fund 100.

Herring/Griffith/JPA

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

- \* ITEM-122: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-848)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

- \* ITEM-123: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-819)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

- \* ITEM-124: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage

from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-818)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:**

ITEM-200: San Diego River Restoration Project Clean Beaches Initiative Grant.

(Mission Valley and Navajo Community Areas. Districts-6 and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-793)

Authorizing the City Manager to approve the grant application to the State Water Resource Control Board Clean Beaches, Proposition 13, Coastal Nonpoint Source Program for the San Diego River Restoration/Ocean Beach Water Quality Improvement Project;

Authorizing the City Manager to take all necessary actions to secure funding;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents including but not limited to applications, amendments, payment requests, which may be necessary for the completion of the project;

Authorizing the City Manager to accept and expend monies if grants are awarded;

Authorizing the City Auditor and Comptroller to establish an interest bearing account for this project.

**CITY MANAGER SUPPORTING INFORMATION:**

In July 2001, the City of San Diego was designated to receive \$1.5 million for Ocean Beach water quality projects as part of the Governor's Clean Beaches Initiative. Accordingly, the City intends to implement the San Diego River Restoration Project with \$1.5 million in State grant funding. The project is supported by the Mayor's Clean Water Task Force and will support the Mayor's goal to

reduce beach closure and posting days by 50% by 2004.

In combination with a Supplemental Environmental Project (SEP) initiated as a result of the February 2000 Adobe Falls sewage spill, which will include the preparation of a river restoration plan and implementation of two pilot revegetation projects, this project will provide exotics removal and riparian habitat restoration, which will improve biofiltration of the San Diego River water prior to discharging into the Pacific Ocean at Ocean Beach. Restoration of riparian habitat similar to the restoration that will occur with this project has been shown to decrease sediment loads, water temperature, salinity, pH, nutrients and toxics, and increase dissolved oxygen. Habitat restoration will include exotic species removal and/or native riparian species revegetation. By removing dense stands of exotic species and revegetating the river with native riparian species, the effective width of the river will be widened and the depth reduced, thereby slowing flows, allowing for greater sediment dropout (to which bacteria attaches itself), UV treatment of the water, and natural soil and plant filtration. The City needs to submit a formal request to the State Water Resources Control Board for a grant contract under the Clean Beaches, Proposition 13, Coastal Nonpoint Source Program, which includes an adopted resolution authorizing the request.

### **FISCAL IMPACT:**

No fiscal impact would be associated with approving the grant application. When the grant contract is approved, a total of \$1.5 million would be received from the State Water Resources Control Board for implementing this project. The City of San Diego will meet the grant's 20% funding match requirement with funding from the SEP project initiated by the Metropolitan Wastewater Department through the Sewer Revenue Fund (Fund No. 41506).

Loveland/Anderson/AK

### **ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

#### **RESOLUTIONS:**

ITEM-201: Clean Beaches Initiative Grant for Rose & Tecolote Creeks Water Quality Improvements.

(University City, Clairemont Mesa, Linda Vista and Pacific Beach Community Areas. Districts-1, 2, 6, and 7.)

### **CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-816)

Authorizing the City Manager to approve the grant application to the State Water Resources Control Board Clean Beaches Initiative, Proposition 13, Coastal Nonpoint Source Program;

Authorizing the City Manager to take all necessary actions to secure funding;



Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including but not limited to applications, amendments, and payment request, which may be necessary for the completion of the project;

Authorizing the City Manager to accept, appropriate and expend monies if the grant is secured;

Authorizing the City Auditor and Comptroller to establish an interest bearing account.

### **CITY MANAGER SUPPORTING INFORMATION:**

In July 2001, the City of San Diego was designated to receive \$1.7 million for Rose & Tecolote Creeks water quality projects as part of the Governor's Clean Beaches Initiative. Accordingly, the City intends to implement the Rose and Tecolote Creeks Water Quality Improvement Project with \$1.7 million in State grant funding. The project is supported by the Mayor's Clean Water Task Force and will support the Mayor's goal to reduce beach closure and posting days by 50% by 2004. The proposed project(CIP-32-050.0) has been initiated with a \$2,000,000 grant received from the State for water quality improvements within the Rose and Tecolote Creeks watersheds. The project will be phased and will include services to provide Planning, Water Quality Monitoring, Preliminary Engineering, Design and Environmental Permitting to implement Storm Water Best Management Practices (BMP's) or structural controls (e.g., vegetated swales and strips, infiltration basins, wet ponds, constructed wetlands, filtration systems) that will address pollutants of concern within Rose and Tecolote Creeks watersheds. Selected Storm Water BMP's will be designed and constructed based on direction from the Natural Resources and Culture Committee in the future. The portion(s) of the Rose and Tecolote Creeks Water Quality Improvements Project that will be funded from this grant (\$1,700,000) must be completed by June 2004.

To obtain the funds which have been designated for the City of San Diego, the City must submit a formal request to the State Water Resources Control Board for a grant contract under the Clean Beaches Initiative, Proposition 13, Coastal Nonpoint Source Program, which includes an adopted resolution authorizing the request. The \$1,700,000 will be added to the \$2,000,000 already received from the State to expand on the Storm Water BMPs that will be designed and constructed to improve water quality in Rose Creek, Tecolote Creek and ultimately Mission Bay.

### **FISCAL IMPACT:**

No fiscal impact would be associated with approving the grant application. When the grant contract is approved, a total of \$1.7 million would be received from the State Water Resources Control Board for implementing this project. The City of San Diego will meet the grant's 20% funding match requirement with the \$2,000,000 grant received in February 2001 by the State Legislature through the State Water Resources Control Board.

Loveland/Anderson/MG

### **ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS RESOLUTIONS:**

ITEM-202: Findings for Construction of Certain Improvements at Market Street/Fifth Avenue Intersection.

(Continued from the meeting of 12/3/2001, Item 201, at the request of the City Manager, to resolve issues with coordination and with the traffic lights and pop-outs.)

(See memorandum from CCDC dated 10/26/2001. Gaslamp Sub Area of the Centre City Redevelopment Project. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-658)

Making certain findings with respect to public improvements at the Market Street/Fifth Avenue Intersection in the Gaslamp Quarter Sub Area in the Centre City Redevelopment Project Area.

**NOTE:** See the Redevelopment Agency Agenda of January 8, 2002 for a companion item.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:**

ITEM-203: Feasibility Study for the Bay to Bay Link - Consultant Agreement.

(Midway-Pacific Highway Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-813)

Making certain findings with respect to the feasibility study for the Bay to Bay Link.

**NOTE:** See the Redevelopment Agency Agenda of January 8, 2002 for a companion item.

**CITY MANAGER SUPPORTING INFORMATION:**

On April 3, 2001, by Resolution R-03315, the Redevelopment Agency of the City of San Diego authorized the Engineering and Capital Projects Department to issue a Request of Qualifications for consultants to study the engineering, technical, environmental, cost, and land acquisition concerns associated with the proposed Bay to Bay Link, and to include other options in addition to the proposed canal for a cost not to exceed \$250,000.

The consultant scope of work includes a detailed evaluation of concept alternatives, including cost to

benefit ratios for the following alternatives:

4. Navigable channel/open space system as envisioned by the 1995 Study Report.
2. Park/open space system; and
3. Minimum improvement

The City advertised in the San Diego Daily Transcript for the subject consulting services, and six (6) consultants submitted their letters of qualifications for consideration. City staff interviewed the six (6) consultants in conformance with Council Policy 300-7. Wallace Roberts & Todd, LLC, was selected as the best qualified firm to provide the feasibility study for the Bay to Bay Link. The sub-consultants are Moffat & Nichol - Waterfront Engineering at 11 %; Ninyo & Moore (MBE) - Geotechnical at 9%; Katz, Okitsu & Associates (MBE) - Traffic Engineering and Transportation Planning at 8%; Professional Consulting Group(WBE) - Dry Utility System Design and Engineering - at 7%; Helix Environmental - Environmental Planning at 14%; and Economics Research Associates - Economic Analysis at 16%. The MBE and WBE participation are at about 17% and 7%, respectively.

**FISCAL IMPACT:**

Funds in the amount of \$250,000 are available for this study in Fund 98070, North Bay Redevelopment.

Loveland/Belock/PB

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

**SUBDIVISION**

Monarch Estates Units No. 9 and 10  
Carmel Valley Neighborhood 10 North  
Units 13 and 14

**COMMUNITY AREA**

Mira Mesa Community  
Carmel Valley

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Settlement of the Personal Injury/Property Damage Claim of JeDa International, Inc. and Dan Morris.

(R-2002-637)

Adopted as Resolution R-295703.

A Resolution approved by the City Council in Closed Session on Tuesday, November 6, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$145,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury/property damage to JeDa International, Inc. and Dan Morris (Superior Court Case No. 761323, JeDa International, Inc. and Dan Morris v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$145,000 made payable to JeDa International, Inc. and Dan Morris in full settlement of the lawsuit and all claims.

Aud. Cert. 2200501.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: Settlement of the Property Loss and Insurance Replacement Claim of Nations Rent.

(R-2002-631)

Adopted as Resolution R-295709.

A Resolution approved by the City Council in Closed Session on Tuesday, November 6, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$37,235.42 in the settlement of each and every claim against the City, its agents and employees, resulting from the property loss and resulting insurance replacement to Nations Rent as a result of an

incident which occurred on March 20, 2001 (City File No. 01-773-3323);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$37,235.42 made payable to Lexington Insurance Company, subrogee of Nations Rent, in full settlement of all claims.

Aud. Cert. 2200507.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

#### NON-DOCKET ITEMS

#### ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

#### ADJOURNMENT